

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
HACER DINLER, et al.,

Plaintiffs,  
----- X  
-against-  
04 Civ 7921 (RJS)(JCF)

CITY OF NEW YORK, et al.,

Defendants.

----- X  
----- X  
RNC CONSOLIDATED CASES<sup>1</sup>,

**DECLARATION OF**  
**GERALD S. SMITH**

----- X  
GERALD S. SMITH, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. §1746 that the following is true and correct:

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<sup>1</sup> This Declaration is submitted in support of Defendants' Motion For Partial Summary Judgment dismissing the false arrest claims in the following cases: *Adams v. City of New York*, 05 CV 9484; *Bastidas v. City of New York*, 05 CV 7670; *Bell v. City of New York*, 05 CV 3705; *Concepcion v. City of New York* 05 CV 8501; *Crotty v. City of New York*, 05 CV 7577; *Dinler v. City of New York*, 04 CV 7921; *Dudek v. City of New York*, 04 CV 10178; *Grosso v. City of New York* 05 CV 5080; *Kennedy v. City of NY* 07 CV 7678; *MacNamara v. City of New York* 04 CV 9216; *Moran v. City of New York* 05 CV 1571; *Rigby v. City of New York* 07 CV 7751; *Stark v. City of New York* 05 CV 7579; *Starin v. City of New York* 05 CV 5152; *Tikkun v. City of New York* 05 CV 9901.

1. I am a Senior Counsel in the office of MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, attorney for Defendants.

2. I am familiar with the facts and circumstances stated herein based upon personal knowledge, the books and records of the City of New York, and conversations with its agents and employees.

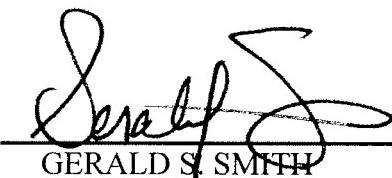
3. I submit this declaration in further support of Defendants' Motion For Partial Summary Judgment in the cases referenced in Footnote 1.

4. The following exhibits, cited in further support of Defendants' Motion For Partial Summary Judgment, are attached hereto:

- Annexed hereto as **Exhibit A** are true and accurate copies of excerpts from the depositions of Lauren Caspar.
- Annexed hereto as **Exhibit B** are true and accurate copies of excerpts from the deposition of James Essig.
- Annexed hereto as **Exhibit C** are true and correct copies of excerpts from the deposition of Emily Friedman.
- Annexed hereto as **Exhibit D** are true and correct copies of excerpts from the deposition of Barbara Jane Harden-Jones.
- Annexed hereto as **Exhibit E** are true and accurate copies of excerpts from the deposition of Deepa Majmudar.
- Annexed hereto as **Exhibit F** are true and accurate copies of excerpts from the deposition of Celine Malanum.
- Annexed hereto as **Exhibit G** are true and accurate copies of excerpts from the deposition of Ann Maurer.

- Annexed hereto as **Exhibit H** are true and accurate copies of excerpts from the deposition of Kaitlyn Tikkun.
- Annexed hereto as **Exhibit I** are true and accurate copies of excerpts from the deposition of Sidney Vault.
- Annexed hereto as **Exhibit J** are true and accurate copies of excerpts from the deposition of Lieutenant Mark Keegan.

Dated: New York, New York  
November 23, 2011



GERALD S. SMITH